

ORDINANCE NO. 3653

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, ENTITLED "AN ORDINANCE TO AMEND THE CITY OF CUMBERLAND ZONING ORDINANCE (ORDINANCE NO. 3607, PASSED MARCH 18, 2008) BY AMENDING SECTION 12.02.01(10) OF THE SAID CITY OF CUMBERLAND ZONING ORDINANCE FOR THE PURPOSE OF RESOLVING DEFICIENCIES AND INCONSISTENCIES RELATIVE TO THE OFF-STREET PARKING AND LOADING PARKING AREA REQUIREMENTS FOR TRUCKS, BUSINESS VEHICLES, BOATS, RECREATIONAL VEHICLES, PERSONAL ON-DEMAND STORAGE UNITS AND SIMILAR ITEMS IN RESIDENTIAL AREAS AND FOR THE PURPOSE OF ADDING A SECTION 12.02.01(12) TO SECTION 12.02.01 OF THE SAID CITY OF CUMBERLAND ZONING ORDINANCE IN ORDER TO IMPLEMENT PARKING AND STORAGE REGULATIONS FOR INOPERABLE, UNREGISTERED OR UNTAGGED MOTOR VEHICLES AND/OR VEHICLE PARTS IN RESIDENTIAL AREAS."

**WHEREAS**, ARTICLE 66B of the Annotated Code of Maryland empowers municipalities with the authority to enact and amend zoning ordinances and to provide for their administration and enforcement.

**WHEREAS**, in accordance with the foregoing, the Mayor and City Council deem it necessary for the purpose of promoting the health, safety, morals, or general welfare of the City of Cumberland to occasionally amend its Zoning Ordinance as local needs and changes in State or Federal laws may warrant.

**WHEREAS**, City staffpersons have examined the Zoning Ordinance and have determined that there are no provisions in the Zoning Ordinance relative to the storage of personal on-demand storage units or junk vehicles in residential areas and that there are certain deficiencies and inconsistencies in the Zoning Ordinance relative to truck and business vehicle storage, to wit:

1. Section 12.02.01(10)'s prohibition on the storage of commercial motor vehicles in residential areas is unclear as to whether it prohibits the storage of trailers as well;

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2. Permitted storage of commercial motor vehicles in residential areas was not mentioned in Section 12.02.01(10);
3. Section 12.02.01(10) did not allow for the storage of campers, recreational vehicles and boats; and
4. Residential areas were not defined in Section 12.02.01(10).

WHEREAS, City staffpersons determined that the Zoning Ordinance needs to be amended in order to regulate the storage of personal on-demand storage units and junk vehicles in residential areas and to resolve the deficiencies and inconsistencies contained in the provisions relative to the storage of commercial motor vehicles in residential areas.

WHEREAS, it is expected that the passage of this Ordinance will provide clarification and more specific guidance as to the circumstances under which commercial motor vehicles, on-demand personal storage units, campers, recreational vehicles and boats will be permitted in residential areas. Further, the provisions relative to junk vehicles should assist with the removal of blight in residential areas.

WHEREAS, the City of Cumberland Municipal Planning and Zoning Commission held a public hearing on the subject matter of this Ordinance on the 10th day of August, 2009, and has determined that it should recommend the amendments to the City of Cumberland Zoning Ordinance which are the subject of this Ordinance, said recommendation being set forth in its final report which was submitted to the Mayor and City Council.

WHEREAS, the Mayor and City Council held a public hearing regarding the subject matter of this Ordinance on the 29th day of September, 2009, having published notice of the time and place of the hearing together with a summary this Ordinance in the Cumberland Times-News, a newspaper of general circulation in the City of Cumberland, once each week for two (2) successive weeks, with the first such notice having been published on 15<sup>th</sup> day of September 2009, said notice being published at least fourteen (14) days before the hearing as required by Section 4.04(b) of Article 66B of the Annotated Code of Maryland and Section 15.04.02 of the Zoning Ordinance.

WHEREAS, consistent with the recommendation of the Municipal Planning and Zoning Commission, the Mayor and City Council determined that the amendments to the Zoning Ordinance relative to wind energy systems will promote the health, safety and general welfare of the City of Cumberland and its inhabitants.

NOW, THEREFORE:

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that Section 12.02.01(10) of the City of Cumberland Zoning Ordinance, as enacted by Ordinance No. 3607, passed on March 18, 2008, is hereby amended as follows (note: bold print denotes text amendments, and text which is stricken through is to be deleted):

(10) ~~Only one (1) commercial motor vehicle, not exceeding a three quarter (3/4) ton pickup in size, may be stored on a lot or in a private garage in a residential area. No other commercial vehicle shall be allowed.~~ Truck & Business Vehicle Parking Requirements. For purposes of this section, Residential Zones shall be the R-E, R-S, R-U, and R-O Zoning Districts. A Residential Property shall mean a property containing an existing residential use or a vacant property in a Residential Zone.

(a) Commercial Motor Vehicles, including trucks and trailers, either together as a unit or separately, shall not be stored on any lot or along the street adjoining a lot in a residential zone (where such on-street parking is permitted) for any purpose other than for the immediate loading and unloading of packages or merchandise. Nothing in this requirement shall be interpreted to prohibit the storage and parking of one or more commercial motor vehicles on a lot in a residential zone that is occupied by an active permitted nonresidential use, an active pre-existing, non-conforming nonresidential use, or an active conditional use approved for the lot by the Board of Zoning Appeals, provided that:

1. all commercial motor vehicles stored on the lot are used specifically and exclusively by the nonresidential use on the property; and
  2. the vehicle parking and storage areas are adequately screened from all adjoining residential properties by an opaque fence or landscaping in accordance with the applicable buffer requirements in Section 13 of this Ordinance.
- (b) A single commercial moving van or truck may be temporarily parked on or along the street adjoining a residential lot in a residential zone for a period of not more than thirty-six (36) consecutive hours to facilitate a moving operation only. If the moving van or truck is deemed to constitute an impediment to the safe flow of traffic or emergency service access along a street, the vehicle shall be required to be temporarily stored on the lot for the duration of the moving operation.
- (c) Not more than one (1) motor vehicle displaying a business sign or advertisement and not larger than a one (1.0) ton pickup truck in size shall be stored on a lot or in a private garage on a residential lot.
- (d) Personal On-Demand Storage units or similar temporary rental storage devices shall not be placed or stored in the front yard of any lot in a residential zone, and shall not be stored on any lot in a residential zone for more than thirty (30) consecutive days. Motor vehicle trailers or box trucks shall not be used as on-site storage units on any residential property, and shall not be used on any non-residential property as on-site storage or warehouse units for items and goods that are not scheduled for shipment or delivery to customers or clients. Flat tires or the absence of wheels on a stored

truck or trailer shall constitute credible evidence of its intended use as a storage unit.

(e) Specialized vehicles such as recreational vehicles, campers, manufactured home coaches, boats and boat trailers may be parked or stored in all residential zones under the following conditions:

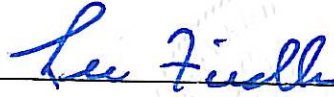
1. That such vehicles are not used as living quarters or occupied while stored on the lot.
2. That the location of the parking or storage area shall not be within the front yard of the principal structure.

SECTION 2: BE IT FURTHER ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that Section 12.02.01 of the City of Cumberland Zoning Ordinance, as enacted by Ordinance No. 3607, passed on March 18, 2008, is hereby amended by adding the following Section 12.02.01(12) at the end of Section 12.02.01 (note: bold print denotes additions to the text of the City of Cumberland Zoning Ordinance):

(12)No inoperable, unregistered, or untagged motor vehicle and/or vehicle part(s) may be parked or stored on any lot in a residential, gateway, or viewshed protection overlay zone, unless such motor vehicle and/or vehicle part(s) are stored within a completely enclosed building, or stored within the rear yard of the lot and covered by a manufactured vehicle cover. Under no circumstances shall more than one inoperable, unregistered, or untagged motor vehicle be stored on any residential lot.

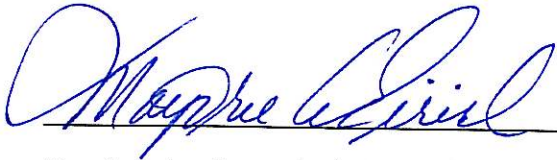
SECTION 3: AND BE IT FURTHER ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that this Ordinance shall take effect ten (10) days from the date of its passage.

Passed this 13th day of October, 2009.



Lee N. Fiedler, Mayor

ATTEST:



Marjorie A. Eirich, City Clerk

1<sup>st</sup> Reading: 9/08/09

2<sup>nd</sup> Reading: 10/13/09

3<sup>rd</sup> Reading: 10/13/09

Effective Date: 10/23/09